

Rule 36. Pretrial Hearing**36.01 Timing**

The court shall convene a pretrial hearing at least ten (10) days prior to trial.

(Amended effective January 1, 2007; amended effective August 1, 2009.)

36.02 Purpose

The purposes of a pretrial hearing shall be to:

- (a) determine whether a settlement of any or all of the issues has occurred or is possible;
- (b) determine whether all parties have been served and, if not, review the efforts that have taken place to date to serve all parties;
- (c) advise any child or the child's parent or legal custodian who appears in court and is unrepresented of the right to representation pursuant to Rule 25. If counsel is appointed at the pretrial hearing, the hearing shall be reconvened at a later date;
- (d) determine whether the child shall be present and testify at trial and, if so, under what circumstances;
- (e) identify any unresolved discovery matters;
- (f) resolve any pending pretrial motions;
- (g) identify and narrow issues of law and fact for trial, including identification of:
 - (1) the factual allegations admitted or denied;
 - (2) the statutory grounds admitted or denied;
 - (3) any stipulations to foundation and relevance of documents; and
 - (4) any other stipulations, admissions, or denials;
- (h) exchange witness lists and a brief summary of each witness' testimony;
- (i) exchange exhibit lists;
- (j) confirm the trial date and estimate the length of trial;
- (k) determine the need for, and date for submission of, proposed findings; and
- (l) determine any other relevant issues.

(Amended effective January 1, 2007; amended effective August 1, 2009.)

1999 Advisory Committee Comment

Rule 36.02(d) addresses the need to determine whether the child will testify. The intent of the rule is to provide that an order protecting the child from testifying or placing conditions on the child's testimony can only be made after notice of motion and a hearing. The Committee intends that any such motion be heard and resolved at the pretrial conference.

36.03 Pretrial Order

The pretrial order shall be filed within ten (10) days of the hearing and shall include the information specified in Rule 36.02 and shall specify all factual allegations and statutory grounds admitted and denied.

(Added effective January 1, 2007; amended effective August 1, 2009.)

36.04 Continuing Obligation to Update Information

From the date of the pretrial hearing through the date of trial, the parties shall have a continuing obligation to update information provided during the pretrial hearing.

(Added effective January 1, 2007.)